

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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<b>UNITED STATES OF AMERICA,</b>	)
	)
Plaintiff,	)
	)
v.	)
	)
<b>TYRIN PARKER,</b>	)
	)
Defendant.	)

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**ORDER GRANTING DEFENDANT'S MOTION TO SET COMPETENCY HEARING  
AND ADOPTING REPORT & RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE AS TO DEFENDANT'S COMPETENCY**

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Before the Court is Defendant Tyrin Parker's ("Defendant") Motion to Set Competency Hearing filed on May 26, 2010. (D.E. #38.) Plaintiff United States did not file a response in opposition to Defendant's motion. Defendant's motion is **GRANTED**.

On March 26, 2010, the Court referred the motion to the United States Magistrate Judge. On June 3, 2010, Magistrate Judge Tu M. Pham held an evidentiary hearing on the motion and on June 8, 2010, issued a Report and Recommendation recommending a finding that Defendant does not currently possess the requisite mental competency to stand trial and further recommending that Defendant be hospitalized to receive treatment in order to restore him to competency to stand trial.

At the June 3rd competency hearing, both parties stipulated to the findings of Defendant's psychiatric evaluation, which concluded that Defendant was incompetent to stand trial. Further, the parties joined in asking the Court to order that Defendant be hospitalized to restore Defendant's mental competency.

After reviewing the record, and based on the parties' joint stipulations, the Court **ADOPTS** the Magistrate Judge's June 8th Report and Recommendation. The Court finds by a preponderance of the evidence that Defendant is presently suffering from a mental defect rendering him mentally incompetent such that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Consistent with the Magistrate Judge's recommendation regarding Defendant's mental incompetence to stand trial and the parties' joint request that Defendant be hospitalized, the Court orders that Defendant be committed to the custody of the Attorney General and hospitalized for treatment in a suitable facility for the restoration of his mental competency pursuant to 18 U.S.C. § 4241(d).

**IT IS SO ORDERED**, this 21st day of June, 2010.

s/Bernice Bouie Donald  
**BERNICE BOUIE DONALD**  
**UNITED STATES DISTRICT JUDGE**